

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

400A0246

CONFERENCE COMMITTEE ENGROSSED NO. **SB261** - 3/6/97

Introduced by: The Committee on State Affairs at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to prohibit conditional adoptions.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 25-6-17 be amended to read as follows:

4 25-6-17. The natural parents of an adopted child are from the time of the adoption, relieved
5 of all parental duties towards, and of all responsibility for the child so adopted, and have no right
6 over it. Adoption of a child shall be final and unconditional except as otherwise provided by
7 § 25-6-21. The natural parents of an adopted child shall retain no rights or privileges to have
8 visitation or other post-adoption contact with the child, except in cases where a natural parent
9 consents to the adoption of ~~his or her~~ a child by the child's stepfather or stepmother who is the
10 present spouse of the natural parent or in cases of voluntary termination where there is a written
11 pre-adoption agreement between the natural parent or parents and the adoptive parents. The
12 South Dakota Supreme Court decision, People in Interest of S.A.H., 537 N.W.2d 1 (S.D. 1995),
13 is abrogated by the South Dakota Legislature in so far as the case gave circuit courts the option
14 to order an open adoption or post-termination visitation. Post-adoption visitation is an
15 extraordinary remedy and may be exercised only by the adoptive parents when in the child's best

1 interests. This section does not apply to pre-adoption agreements entered into before July 1,
2 1997.

1 **BILL HISTORY**

2 2/4/97 First read in Senate and referred to State Affairs. S.J. 307

3 2/12/97 Scheduled for Committee hearing on this date.

4 2/12/97 State Affairs Do Pass, Passed, AYES 7, NAYS 1. S.J. 421

5 2/14/97 Motion to Amend, Passed. S.J. 457

6 2/14/97 Senate Do Pass Amended, Passed, AYES 35, NAYS 0. S.J. 457

7 2/15/97 First read in House and referred to Judiciary. H.J. 523

8 2/21/97 House of Representatives Re-referred to State Affairs.

9 2/26/97 Scheduled for Committee hearing on this date.

10 2/26/97 State Affairs Deferred to another day. H.J. 709

11 2/28/97 Scheduled for Committee hearing on this date.

12 2/28/97 State Affairs Do Pass Amended, Passed, AYES 8, NAYS 0. H.J. 775

13 3/4/97 Motion to Amend, Passed. H.J. 867

14 3/4/97 House of Representatives Do Pass Amended, Passed, AYES 57, NAYS 9. H.J. 867

15 3/5/97 Senate failed to concur, appoint Conference Committee. S.J. 806

16 3/6/97 Senate Conference committee report adopted Passed, AYES 34, NAYS 0.

17 3/6/97 House of Representatives Conference committee report adopted Passed, AYES 59,

18 NAYS 9.